

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Freddy Rosario, Plaintiff

v.

Verizon Wireless, Defendant

COMPLAINT

Plaintiff, Freddy Rosario, hereby files this Complaint against Verizon Wireless and alleges as follows:

INTRODUCTION

1. This action arises out of Defendant Verizon Wireless's violations of the Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.), specifically 15 U.S.C. § 1681s-2(b), for failing to conduct a reasonable investigation into Plaintiff's dispute and for inaccurately reporting information on Plaintiff's credit report.
2. Plaintiff also relies on relevant case law, including **Daugherty v. Convergent Outsourcing, Inc.**, 836 F.3d 507 (5th Cir. 2016) and **Hogue v. Palisades Collection, LLC**, 494 F. Supp. 2d 1043 (S.D. Iowa 2007), to establish that Defendant's conduct violated statutory obligations under the FCRA.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 15 U.S.C. § 1681p and 28 U.S.C. § 1331 because this case arises under federal law.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the acts and omissions complained of occurred in this District, and Defendant transacts business in this District.

PARTIES

5. Plaintiff, Freddy Rosario, is a natural person residing at **158 3rd St, Leominster, MA 01453-6027**, and is a "consumer" as defined by 15 U.S.C. § 1681a(c).
6. Defendant, Verizon Wireless, is a corporation with its principal place of business at **1 Verizon Way, Basking Ridge, NJ 07920**, and is a "furnisher of information" as defined by 15 U.S.C. § 1681s-2.

FACTUAL ALLEGATIONS

7. Plaintiff maintained an account with Verizon Wireless, identified as **Account #6891413270**.
 8. On or about **August 2020**, Plaintiff discovered that Verizon Wireless had reported inaccurate information about the account on Plaintiff's credit report. The inaccuracies included, but were not limited to:
 - a. Reporting an incorrect payment history;
 - b. Failing to accurately reflect the account's paid and closed status; and
 - c. Falsely marking the account as disputed without conducting a proper investigation.
 9. Plaintiff disputed the inaccurate reporting with the credit reporting agencies in **August 2020**, as permitted under 15 U.S.C. § 1681i(a).
 10. Upon receiving Plaintiff's dispute, the credit reporting agencies notified Verizon Wireless of the dispute, obligating Verizon Wireless to conduct a reasonable investigation under 15 U.S.C. § 1681s-2(b).
 11. Despite this legal obligation, Verizon Wireless failed to:
 - a. Conduct a reasonable investigation of Plaintiff's dispute;
 - b. Review all relevant information provided by the credit reporting agencies;
 - c. Correct the inaccurate information on Plaintiff's credit report; and
 - d. Properly update the account to reflect accurate information.
 12. Verizon Wireless verified the inaccurate information as "accurate" to the credit reporting agencies, even though the account details were false or misleading.
 13. The failure to properly investigate disputes is a direct violation of Verizon Wireless's duties under **15 U.S.C. § 1681s-2(b)**, as interpreted in case law such as:
 - a. **Boggio v. USAA Fed. Sav. Bank**, 696 F.3d 611 (6th Cir. 2012) – establishing that furnishers must conduct a thorough and reasonable investigation when notified of disputes.
 - b. **Saunders v. Branch Banking & Tr. Co.**, 526 F.3d 142 (4th Cir. 2008) – clarifying that inaccurate reporting after a dispute constitutes a violation of the FCRA.
 14. As a result of Verizon Wireless's failure to investigate and correct the inaccuracies, Plaintiff has suffered harm, including but not limited to:
 - a. Damage to Plaintiff's credit score;
 - b. Denial of credit opportunities;
 - c. Emotional distress; and
 - d. Time and resources spent disputing the inaccuracies.
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COUNT I: VIOLATIONS OF THE FAIR CREDIT REPORTING ACT (15 U.S.C. § 1681s-2(b))

15. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

16. Defendant Verizon Wireless violated 15 U.S.C. § 1681s-2(b) by:
 - a. Failing to conduct a reasonable investigation into Plaintiff's dispute after being notified by the credit reporting agencies;
 - b. Failing to review all relevant information provided by the credit reporting agencies in connection with Plaintiff's dispute;
 - c. Continuing to report inaccurate information about the account, despite knowing or having reason to know that the information was false;
 - d. Failing to promptly update or correct the inaccurate information reported to the credit reporting agencies; and
 - e. Failing to fulfill their obligations under the Fair Credit Reporting Act, despite Plaintiff's good-faith attempts to address the inaccuracies.
 17. Defendant's actions violated precedent established in **Johnson v. MBNA America Bank, NA, 357 F.3d 426 (4th Cir. 2004)**, which holds that furnishers must take disputes seriously and correct inaccuracies if found.
 18. As a direct result of Defendant's violations of 15 U.S.C. § 1681s-2(b), Plaintiff has suffered actual damages, including harm to Plaintiff's credit score, emotional distress, denial of credit opportunities, and financial losses.
 19. Defendant's actions were willful, rendering them liable for punitive damages under 15 U.S.C. § 1681n. Alternatively, Defendant was negligent, entitling Plaintiff to damages under 15 U.S.C. § 1681o.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- a. Award actual damages in an amount to be determined at trial;
 - b. Award statutory damages as provided under 15 U.S.C. § 1681n and § 1681o;
 - c. Award punitive damages under 15 U.S.C. § 1681n(a)(2);
 - d. Award costs and reasonable attorney's fees under 15 U.S.C. § 1681n(c) and § 1681o(b);
 - e. Order Verizon Wireless to correct the inaccurate reporting; and
 - f. Grant any other relief this Court deems just and proper.
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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: December 21, 2024
Respectfully submitted,

Freddy Rosario
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